

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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HABITAT, LTD.,

Plaintiff,

- against -

JUDGMENT

CV-07-2883 (DRH)

THE ART OF THE MUSE, INC., d/b/a OLY
STUDIO and MECOX GARDENS &
POTTERY, INC.,

Defendants.

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A Memorandum and Order of Hon. Denis R. Hurley, United States District Judge, having been filed on March 25, 2009, granting Defendants' motion to dismiss Plaintiff's Complaint, dismissing the First, Second, and Third Causes of Action with prejudice, dismissing the remaining state law claims without prejudice, and dismissing Oly's motion for a more definitive statement and to strike Plaintiff's demand for exemplary damages and attorneys' fees under Plaintiff's state law causes of action without prejudice to renew in state court, it is

ORDERED AND ADJUDGED that plaintiff take nothing of defendants; that Defendants' motion to dismiss Plaintiff's Complaint is granted, dismissing the First, Second, and Third Causes of Action with prejudice; that the remaining state law claims are dismissed without prejudice; and that Oly's motion for a more definitive statement and to strike Plaintiff's demand for exemplary damages and attorneys' fees under Plaintiff's state law causes of action is dismissed without prejudice to renew in state court.

Dated: Central Islip, New York
March 25, 2009

ROBERT C. HEINEMANN
CLERK OF THE COURT

BY: /S/ LORRAINE SAPIENZA
DEPUTY CLERK